

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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HELLO I AM ELLIOT, INC. and SERGIO
VILLASENOR

Case No 1:19-cv-06905

Plaintiff,

JUDGMENT

-against-

DEREK J. SINE, VANDER HOLDINGS, LLC,
VANDER GLOBAL, LLC, and VANDER
GROUP, LLC

Defendants.

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WHEREAS, on November 22, 2019, plaintiffs Hello I am Elliot, Inc. and Sergio Villaseñor filed an amended complaint (the “Amended Complaint”, *dkt no. 27*) asserting claims for trademark infringement (the “Trademark Infringement Claim”); declaratory relief relating to a claim of an alleged ownership of a copyright (the “Copyright Claim”); defamation (the “Defamation Claim”); and tortious interference with prospective business relations (the “Tortious Interference Claim”, collectively the Defamation Claim and Tortious Interference Claims shall be referred to hereinafter as the “State Law Claims”);

WHEREAS, on December 13, 2019, Defendants moved to dismiss the Amended Complaint in its entirety (*dkt no. 28*);

WHEREAS, by opinion and order dated July 2, 2020 (the “July 2, 2020 Decision”, *dkt no. 51*), Judge Paul A. Engelmayer dismissed the Amended Complaint in its entirety, dismissing the Trademark Infringement Claim, the Copyright Claim, and declining to exercise jurisdiction over the State Law Claims;

WHEREAS, in the July 2, 2020 Decision, Judge Engelmayer held, in pertinent part, that the Trademark Claims was dismissed without prejudice, with Plaintiffs being granted until July

16, 2020 to file a second amended complaint and noting that no further extensions or opportunities to amend the complaint would be granted;

WHEREAS, Plaintiffs did not file a second amended complaint; and

WHEREAS, by order dated July 23, 2020 (the “July 23, 2020 Order”, *dkt no. 52*) Judge Engelmayer directed the Clerk of Court to close this case on account of the fact that no second amended complaint had been filed and that the time period for doing so had expired;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:
Plaintiffs’ Amended Complaint is dismissed with prejudice as to the Trademark Claim and Copyright Claim and without prejudice to Plaintiffs’ right to re-file their State Law Claims in state court.

8/5/20



U.S.D.J.